International Seabed Authority ISBA/22/LTC/3/Rev.1

Legal and Technical Commission

Distr.: General
18 February 2016

Original: English

Twenty-second session
Kingston, Jamaica
11-22 July 2016

Review of training proposals submitted in the context of applications for extensions of plans of work for exploration

Note by the Secretariat

1. The purpose of the present document is to provide necessary background to the Legal and Technical Commission with respect to the implementation of training obligations by those contractors who have submitted applications for extensions of plans of work for exploration and assist the Commission in its review of the proposed training programmes for the extension periods. As at 20 January 2016, six applications for extension had been received from the following contractors: Interoceanmetal Joint Organization (IOM); Yuzhmorgeologiya; Government of the Republic of Korea; China Ocean Mineral Resources Research and Development Association (COMRA); Deep Ocean Resources Development Co. Ltd. (DORD); and Institut français de recherche pour l'exploitation de la mer (Ifremer).

I. Implementation of training obligations under the pioneer investor regime

2. It may be recalled that all of the above-mentioned contractors were previously registered as pioneer investors under resolution II of the Third United Nations Conference on the Law of the Sea. Pursuant to paragraph 12 (a) (ii) of that resolution, every registered pioneer investor was required to provide training at all levels for personnel designated by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea. The precise number of trainees, the duration and the fields of training were to be agreed upon between the Preparatory Commission and each registered pioneer investor according to their capabilities.

3. Following their registration as pioneer investors, during the period from 1992 to 1999, the six contractors provided training to 20 persons from 16 countries, under the supervision of the Preparatory Commission. A table setting out details regarding the training provided by the six pioneer investors is contained in annex I to the present note.

16-02261 (E) 190216

Please recycle

4. By the time the Preparatory Commission completed its work in 1993, all of the registered pioneer investors, with the exception of the Government of the Republic of Korea, had fulfilled their obligations with regard to training.[1] The Republic of Korea completed its training programme in 1999, following the establishment of the Authority.

5. In August 1997, all of the six registered pioneer investors submitted to the Secretary-General requests for approval of their plans of work for exploration. Pursuant to the 1994 Agreement, such plans of work for exploration consisted of documents, reports and other data submitted to the Preparatory Commission both before and after registration, as well as the certificate of compliance, consisting of a factual report describing the status of fulfilment of obligations under the registered pioneer investor regime, issued by the Preparatory Commission in accordance with resolution II, paragraph 11 (a).[2]

6. In 2001, following the adoption in 2000 of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, exploration contracts were signed with the six registered pioneer investors. Regulation 27(1) of these Regulations provides that:

> Pursuant to article 15 of Annex III to the Convention, each contract shall include as a schedule a practical programme for the training of personnel of the Authority and developing States and drawn up by the contractor in cooperation with the Authority and the sponsoring State or States. Training programmes shall focus on training in the conduct of exploration and shall provide for full participation by such personnel in all activities covered by the contract. Such training programmes may be revised and developed from time to time as necessary by mutual agreement.

7. In the case of a registered pioneer investor, however, regulation 27(2) qualified this obligation by providing that the contract would take into account the training provided in accordance with the terms of its registration as a registered pioneer investor. In the light of that provision, and because all the registered pioneer investors had completed their training obligations prior to the adoption of the Regulations in 2000, it was considered that they were exempt from further training obligations.[3] For that reason, all of the contracts adopted a largely identical statement in schedule 3 of the contract, as follows:

> "In accordance with the terms and conditions of registration as pioneer investor, the Contractor conducted a training programme for ... (number) trainees nominated by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea (Preparatory Commission). In August 1998, the Legal and Technical

[1] See the report of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea (ISBA/5/A/1 and Corr.1), para. 29.

[2] In the case of the Republic of Korea, which was not able to obtain a certificate of compliance before the Preparatory Commission concluded its work, a statement describing the status of the implementation of the obligation by the registered pioneer investor was issued in lieu of the certificate of compliance (see ISBA/3/C/6).

[3] ISBA/19/LTC/7, Considerations relating to the recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration, para. 8.

Commission of the Authority took note of the report on the training (ISBA/4/C/14)."[4]

8. At this time also, on the basis of a request by the Commission, the Secretariat prepared a report on the status of training carried out by the registered pioneer investors since 1990 (ISBA/7/LTC/2). The Commission took note of the report, which it considered to be a useful basis for the consideration of future training programmes (see ISBA/7/C/5).

9. In evaluating the annual reports of these contractors between 2002 and 2012, the Commission consistently took note of the fact that training obligations under the contract had been completed in previous years and, accordingly, no training was envisaged under the current programme of work (see ISBA/8/LTC/2, ISBA/9/LTC/2, ISBA/10/LTC/3, ISBA/11/LTC/4, ISBA/12/LTC/2, ISBA/13/LTC/4, ISBA/14/LTC/6, ISBA/15/LTC/8, ISBA/16/LTC/6, ISBA/17/LTC/8 and ISBA/18/LTC/11).

10. In 2013, however, although the Commission took due note that the contractors had completed their training obligations as defined in the contract, it also noted that most of the contractors reported their designated training as having been completed, in some instances, nearly a decade before, and it therefore invited the contractors to consider additional training activities to increase the capacity-building carried out in line with regulation 27 of the nodules Regulations, which provides for revision and development of training programmes from time to time by mutual agreement (see ISBA/19/LTC/15). In that context, it may be recalled that, also in 2013, the Commission adopted, for the first time, recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration (ISBA/19/LTC/14). According to the recommendations, the applicant for a plan of work for exploration should include in the application a possible schedule of activities under a proposed training programme, including a general description of the training, which is based on the activities it will undertake during its first five-year programme of activities. The Commission further recommended that, as a minimum, the Contractor provide for the training equivalent of at least 10 trainees during each five-year period of the contract.

II. Summary of training programmes in the applications for the extension of plans of work for exploration

11. According to the procedures and criteria for the extension of an approved plan of work for exploration adopted by the Council in 2015 (see ISBA/21/C/19, annex), an application for extension of a contract for exploration shall consist of, among other things, a detailed summary of the work carried out by the Contractor during the entire period of the contract to date, and which shall include as a part the summary of training provided pursuant to the contract for exploration. Such application for extension should also include a proposed training programme for the extension period in accordance with the relevant recommendations for the guidance of contracts issued by the Commission (ibid., appendix I).

12. In their applications for extension of their plans of work for exploration, all six contractors have made reference to the training completed under the registered

[4] In the case of the Republic of Korea, it stated that "In July 2000, the Legal and Technical Commission of the Authority took note of the report on the training programme (ISBA/6/C/11)".

pioneer investor regime. Some have provided detailed information on those training programmes. In addition, COMRA reported that it had provided two opportunities for foreign scientists to participate in exploration at the sea and had funded three researchers from developing countries to study marine science and technology at universities in China: two at the master's level and one at the doctorate level.

13. As far as the proposed extension period is concerned, five contractors have proposed detailed training programmes in line with the recommendations issued by the Commission in 2013. One contractor has not submitted a training programme, but has indicated that if the contract is extended, a training proposal will be prepared covering two or three training places. Further detail is contained in the preliminary evaluation reports that have been prepared by the Secretariat for each application. A summary table showing the scope of the proposed training programmes submitted by the six contractors is contained in annex II to the present note.

Annex I

Summary of training by registered pioneer investors

Pioneer investor	*Name of trainee*	*Country*	*Geographic region*	*Year*
IOM	Ali Ibrahim Ahmed	Sudan	Africa	1994-1995
	Jong-Nam Kin	Republic of Korea	Asia	1994-1995
	Arif Hussain	Pakistan	Asia	1994-1995
	Alexandr Shevchyonok	Belarus	Eastern Europe	1994-1995
Yuzhmorgeologiya	Samir A. Mutwali	Saudi Arabia	Asia	1993-1994
	Juan Lorenzo Dias Naves	Chile	Latin America and Caribbean	1993-1994
Republic of Korea	Charles Foryoung	Cameroon	Africa	1998-1999
	Wawiye Francis Okoth	Kenya	Africa	1998-1999
	Hamid Bin Ariffin	Malaysia	Asia	1998-1999
	L. Cherry Ringor	Philippines	Asia	1998-1999
COMRA	Mourad Kelkal	Algeria	Africa	1994-1995
	Ibrahim Sarour Balla	Sudan	Africa	1994-1995
	Kyung-Soo Choi	Republic of Korea	Asia	1994-1995
	Natalya Chigrinova	Belarus	Eastern Europe	1994-1995
DORD	Mohammad-Taheri, Mahmoud	Islamic Republic of Iran	Asia	1993-1994
	Eu-Dug Hwang	Republic of Korea	Asia	1993-1994
	Pramuan Kohpina	Thailand	Asia	1993-1994
Ifremer	Ahmed Braham	Tunisia	Africa	1992-1993
	Mamadou Ndiaye	Senegal	Africa	1993-1994
	Kaiser Gonçalves DeSouza	Brazil	Latin America and Caribbean	1993-1994

Annex II

Summary of training proposals by contractors applying for extension of plans of work

Contractors	*Type*	*Places*	*Years*					*Duration*	*Subject*
			2016	*2017*	*2018*	*2019*	*2020*		
Yuzhmorgeologiya	At-sea	6		3	3			50 days	Marine geology
	Post-cruise training							15 days	
IOM	Multidisciplinary training course	3						6 weeks	Multidisciplinary theoretical and practical training
Republic of Korea	At-sea	5		2		2			Marine environment or marine biology
	Internship		1					1 year	Marine policy
COMRA	Fellowship	10			3			3 months	Marine biology or environment
	Engineering					4		1 month	Mining
						3		1 month	Metallurgy
DORD		2 or 3							
Ifremer	Internship	10	5					1 week	Marine environment/geology
			1	1	1	1	1	2 months	Marine environment

Note 1. IOM states that it is very likely to provide an opportunity for at-sea training to supplement the training programme proposed above. In that case, relevant information will be provided to the Authority and the course adjustment will be proposed to make available at-sea training.

Note 2. DORD states that, considering factors such as the high level of demand for training from member nations, two or three trainees will be accepted during the latter half of the five-year extension period. If the contract is extended, a draft training programme covering details will be prepared in consultation with the Authority and the Government of Japan as the sponsoring State.

polymetallic nodules. In view of the schedule of meetings of the Commission, the secretariat has announced the training opportunity online. It is proposed that the Commission use the streamlined trainee selection process agreed upon in 2014 (see ISBA/20/LTC/13, paras. 11-13) in order to select duly qualified candidates and alternates from developing States at the end of March 2016.

8. Under the streamlined process, the Commission would appoint a training subgroup to recommend candidates for training opportunities, on the basis of the selection criteria and considerations approved by the Commission, and taking into account consultations between the contractor and the secretariat. The subgroup would work with the secretariat between sessions to identify appropriate candidates for training. The recommendations by the subgroup would be submitted to the Commission for approval by e-mail or other electronic means.

9. At its most recent session, the Commission noted that it would be timely to review its current recommendations for the guidance of contractors and sponsoring States relating to training programme under plans of work for exploration (see ISBA/21/C/16, para. 6), in particular in the light of its concern over the short notice provided by some contractors with regard to training opportunities. The Commission is invited to provide further guidance in this respect.